

HOUSE BILL No. 1252

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-10-17.

Synopsis: Self-directed care services. Permits certain individuals who are not licensed health care professionals to provide health related services to individuals who need in-home care services. Provides a two year registration period for personal services attendants. Repeals the self-directed care services expiration provision. Establishes temporary bookkeeping and payroll service requirements. Requires the division of disability, aging, and rehabilitative services to adopt payment and record keeping rules. (The introduced version of this bill was prepared by the health finance commission.)

Effective: Upon passage.

Becker, Budak, Brown C, Welch

January 14, 2002, read first time and referred to Committee on Public Health.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1252

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-10-17-5, AS ADDED BY P.L.255-2001,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 5. As used in this chapter, "health related
4 services" means those medical activities that:

5 (1) in the opinion of the attending physician, could be performed
6 by the individual if the individual were physically capable, and if
7 the medical activity can be safely performed in the home; ~~and~~

8 (2) **in the opinion of the attending physician the individual**
9 **who receives the medical activity is capable of training or**
10 **instructing the person who will perform the medical activity,**
11 **and the individual has trained or instructed the person who**
12 **will perform the medical activity; or**

13 (3) the person who performs the medical activity has received
14 training or instruction from a licensed health professional, within
15 the professional's scope of practice, in how to properly perform
16 the medical activity for the individual in need of self-directed
17 services.



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SECTION 2. IC 12-10-17-12, AS ADDED BY P.L.255-2001,
SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 12. (a) The division shall register an
individual who provides the following:

(1) A personal resume containing information concerning the
individual's qualifications, work experience, and any credentials
the individual may hold. The individual must certify that the
information contained in the resume is true and accurate.

(2) The individual's limited criminal history check from the
Indiana central repository for criminal history information under
IC 5-2-5 or another source allowed by law.

(3) If applicable, the individual's state nurse aide registry report
from the state department of health. This subdivision does not
require an individual to be a nurse aide.

(4) Three (3) letters of reference.

(5) A registration fee. The division shall establish the amount of
the registration fee.

(6) Proof that the individual is at least eighteen (18) years of age.

(7) Any other information required by the division.

(b) A registration is valid for ~~one (1) year~~ **two (2) years**. A personal
services attendant may renew the personal services attendant's
registration by updating any information in the file that has changed
and by paying the fee required under subsection (a)(5). The limited
criminal history check and report required under subsection (a)(2) and
(a)(3) must be updated every two (2) years.

(c) The division shall maintain a file for each personal services
attendant that contains:

(1) comments related to the provision of attendant care services
submitted by an individual in need of self-directed in-home care
who has employed the personal services attendant; and

(2) the items described in subsection (a)(1) through (a)(4).

(d) Upon request, the division shall provide to an individual in need
of self-directed in-home care the following:

(1) Without charge, a list of personal services attendants who are
registered with the division and available within the requested
geographic area.

(2) A copy of the information of a specified personal services
attendant who is on file with the division under subsection (c).
The division may charge a fee for shipping, handling, and copying
expenses.

SECTION 3. IC 12-10-17-21 IS REPEALED [EFFECTIVE UPON
PASSAGE].



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1 SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The definitions
2 in IC 12-10-17 apply to this SECTION.

3 (b) Notwithstanding IC 12-10-17-15, an individual in need of
4 in-home care who has hired a personal services attendant who has
5 been approved by the division of disability, aging, and
6 rehabilitative services shall hire a fiscal agent to provide payroll
7 and bookkeeping services, including the following:

8 (1) Assisting the individual in completing and submitting
9 applications for state and federal employment tax
10 identification numbers, unemployment insurance, and
11 worker's compensation insurance.

12 (2) Processing payroll, including income tax withholdings,
13 Social Security deductions under the Federal Insurance
14 Contributions Act (FICA), worker's compensation, and
15 wages.

16 (3) Disbursing checks to the personal services attendant and
17 proper governmental agencies. The fiscal agent shall prepare
18 a check for the fiscal agent's services that must be signed by
19 the individual in need of in-home care.

20 (4) Preparing employer tax forms, including W-4 forms.

21 (5) Supplying weekly time slips to be used by the individual in
22 need of in-home care.

23 (c) The fiscal agent must be a private accounting firm or a
24 nonprofit corporation, association, or organization located in
25 Indiana.

26 (d) The fiscal agent that is selected by the individual in need of
27 in-home care shall register with the division of disability, aging,
28 and rehabilitative services before providing bookkeeping services.

29 (e) Subject to IC 12-10-17-14(b), the individual in need of
30 in-home care shall deliver the personal services attendant's time
31 sheet to the fiscal agent.

32 (f) Subject to IC 12-10-17-14(b), the time sheet must be
33 certified:

34 (1) by the personal services attendant that the hours were
35 worked as recorded; and

36 (2) by the individual in need of in-home care that the services
37 were rendered as recorded and that the services were within
38 the limits of the authorized care plan.

39 (g) Before July 1, 2003, the division shall adopt rules under
40 IC 4-22-2 concerning:

41 (1) the method of payment to a personal services attendant
42 who provides authorized services under IC 12-10-17; and

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- 1 **(2) record keeping requirements for personal attendant**
- 2 **services.**
- 3 **(h) This SECTION expires July 1, 2003.**
- 4 **SECTION 5. An emergency is declared for this act.**

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